



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

## THE EARLDOM AND BARONS OF ULSTER.

---

IN a recent number of the London periodical, "Notes and Queries," a writer, under the signature "Ceridwen," mentions having seen a card, on which was engraved the name of a *gentleman*, having around the crest a label, with the words, "One of the Barons of Ulster," and requiring information respecting these personages. As, up to the present time, we have seen no reply to this query, and as the subject seems to properly belong to a publication having for its leading object the illustration of the history and antiquities of Ulster, we trust a few words as to these Barons will lead to a fuller inquiry in this journal. Sir John Davies, in his Reports of Cases, &c. (Dublin, 1762), p. 167, writes, that in Ireland three *Palatinates* were created in the time of Henry II. The first in *Leinster*, granted to Strongbow; the second in *Meath*, granted to *Sir Hugh de Lacy* the elder; the third in *Ulster*, granted to *Sir Hugh de Lacy* the younger; and that, afterwards, when William the Marshal of England, having married the daughter and heiress of Strongbow, had issue five sons and five daughters, and the five sons having died without issue, the seignory of Leinster descended to the five daughters; and upon partition among them, each of them had a several county Palatinate, and all the liberties and prerogatives "in her several purparty." He also adds, that there was a several royal liberty, within Kerry and Desmond, granted by Edward I., to Thomas Fitz Anthony; and such another in Tipperary, granted to the Earl of Ormond, by Edward III., which existed when Davies wrote.

The question has been raised, whether the three Earls of Leinster, Ulster, and Meath, possessed, of right, equal jurisdiction and incidents in their seignories, as the English Palatines of Chester, Durham, and Lancaster in their counties; or whether they were not rather identical with those of the great regalities of Scotland: be that as it may, it seems probable, from such evidence as has reached us, that these lords exercised almost equal authority and power as the English Palatines, notwithstanding the endeavours of the Crown to restrict them; though this may, perhaps, have arisen from the absence of the sovereign, and the necessity of conniving at the acts of men who were the protectors of the English pale against the encroachments of the great Irish chieftains. According to Davies, every Earl palatine had the *jura regalia* of his county or palatinate—viz., royal jurisdiction and royal seignory—royal jurisdiction, in having all the high courts and officers of justice, criminal and civil, which the King had;—and royal seignory, whereby he had all royal services, such as power to create tenures *in capite*, to be holden of themselves; and, also, tenures by grand serjeanty, whereby he created BARONS and granted charters of incorporation; and had, also, royal escheats for treason, or for want of heirs; so that no king's writ ran there (except writs of error), but only in the church-lands thereof, called "the Crosses," wherein the king had his own Sheriff. It is, however, very questionable whether these Palatines had, as Davies writes, escheats of treason; which Sir Martin

Wright, in his Treatise on Tenures, says, are not escheats in the ordinary meaning, but forfeitures, and given to the King by the common law; and this distinction is important, for, as a consequence of the principle, may have ensued the otherwise unaccountable fact of lands, formerly parcel of the seignory, being in the King's hands, or held immediately from him, whilst the seignory was still entire, or at least unforfeited. They had, moreover, rights of wardship, fines for relief, and the power of taxing their own Barons, when aids and subsidies were demanded by the Crown. However, as early as the reign of John, we find that King becoming jealously alive to this subject, and endeavouring to limit such extraordinary powers, by directing his Justiciary to issue writs throughout his (the King's) *whole* land and dominion of Ireland; and subsequently charging all persons not to answer in any court whatsoever, but in that of himself, or of his Justiciary, for any pleas of freedom, or pleas of the Crown; and that none should buy or sell but with the King's money only. He likewise rendered such Barons, as had acquired their fees and titles by sub-infeudation, liable to the royal writs for military aids and services. The Palatines' power of creating Barons does not appear to have been profusely exercised. Davies only mentions eleven as being in Ireland, though this was far short of the number; of whom two alone, the Baron Misset (correctly, Bissct), and the Baron Savage, were in Ulster; but, although there is no authentic list of the Ulster Barons extant, there were unquestionably many more.

According to Sir William Betham (History of the Constitution of England and Ireland), and with him Davies, the prerogatives and jurisdiction which the Palatine Lord had power to confer on their Barons (who sat in their superior lord's courts), were very large and extensive, little inferior to their own jurisdiction. They granted to them, *sic*, the power of ministering justice in their, the Barons' own Courts; *sac*, of holding pleas; *thol*, of taking toll and buying and selling custom free; *them*, of having, restraining, and judging bondmen, neifs (bondwomen) and villeins, with their children, goods and chattels; *in fang thef*, of trying thieves taken within their fees; *out fang thef*, of trying felonies committed out of their fees—powers something greater than those rights and royalties given and limited by royal charter to Lords of Manors. Among the many incidents peculiar to the relationship which existed between the Earl and his Barons was, that the latter became pledges or sureties to the King for the fidelity of their lord. These Barons were not, however, *de jure*, Peers of Parliament; for, in fact, when this tenure was originally created, no Parliament existed in Ireland; and though many of them were afterwards *specially* summoned to the great council, by their Palatine titles, it was not in their character of Palatine Barons.\* No copy, as far as we are aware, has been preserved of the instruments by which these sub-infeudations were granted to the lay Barons of Ulster, though several of Leinster and Meath have; but in the Patent Rolls, in the Tower of London, 42 Edward III., is an

---

\* Edmund Spenser, indeed, observes, that *certain gentlemen* were summoned by Edward the III. to a Parliament held in Dublin, in the 46th year of his reign, entitling them *Barons*—which Barons, he says, were not afterwards *Lords*, but only *Banreys*, sundry of whom retained the name in his time.

*insperimus* of De Courcy's grant to the Prior of Down, a copy of which has been printed in Dugdale's *Monasticon*. We annex a translation, by which it will be perceived that the Prior had very large powers.

"We have examined, moreover, a certain other charter of John de Courcy, which runs in these words:—'Know all men, as well of the present as of all future times, that I, John de Courcy, have given and granted, and by this present charter have confirmed to God and Saint Patrick, and to his Church of Down, and to D., the Prior and Monks of the same Church, and to their successors, to hear all pleas, and to pass all sentences concerning all their men, and concerning all their tenants, whatever they have at this present time, and whatever they shall have hereafter, under the entire of my rule and under all my authority, concerning murder, and concerning rapine, and concerning rape, and concerning fire, and concerning blood, and concerning blood-shed, and concerning all forcible occupation, and concerning all sort of force and violence, and concerning all causes, and cases, and matters, and things whatsoever, whatever are usual or may arise; and full power to punish crimes, and to dispense pardons, and full right in every way to administer and to execute justice on all such persons as aforesaid; and on all persons who live in the respect and regard of me and mine, whether of my sword or my government, save and except (as to this they have assented) that my officer shall have the privilege of being present at all those causes, without any attempt to assume or interfere with their jurisdiction, but solely for the purpose of seeing and hearing that all things may be done according to justice and order. Witness, Richard Fitz Robert, my *Seneschal*; Roger de Cestria, my *Constable*; Adam, my *Chamberlain*; William and Henry Copland, William Saraceno, William de Courcy, Philip de Hasting, Simon Passelew, William Savage, Richard de Dundodenald, Reiner his brother, William Hach, Walter de Logan, Master Walter, and many others."

Sir John Davies errs in stating Sir Hugh de Lacy, the younger, as the first Earl or Palatine of Ulster; for Sir John de Courcy, as the preceding document proves, exercised full palatine power therein; and we find by the *Liber Munerum*, on the authority of Lodge, that de Courcy was created, by patent, Earl of Ulster, in 1181; and it was not until 2d May, 1205, 7th of King John, that that dignity was conferred on De Lacy. In the grant of Ulster, made to him the same year, it is also particularly stated, that he, De Lacy, should hold as De Courcy had theretofore held, and the same is repeated in the confirmatory grant from John, in the following year. The following is a translated copy of the original charter to de Lacy as given in Lynch's *Feudal Dignities of Ireland* :—

"The King to Meyler Fitz Henry, &c., and the Barons of Ireland, &c. Know ye, that we have given and granted to Hugh de Lacy, for his homage and service, the land of Ulster, with the appurtenances, to have and to hold as John de Curey held the same the day on which the same Hugh overcame him in the field, or on the preceding day: Saving, however, to us the Crosses of the same land: and know ye, that we do retain with us the aforesaid Hugh, and are leading him with us in our service; and therefore, to you, we commend that his land and all his, you preserve, maintain, and defend, as our demesne. Witness myself, at Windsor, the 2d day of May."

De Lacy died in 1243, leaving an only daughter and heir, Maud; who being married to Walter de Burgo, he was created, in her right, Earl of Ulster, 49 Henry III. (1264), in which family it remained until it came to his great great grand-daughter, Elizabeth, only child of William, Earl of Ulster (who died 6th June, 1333), who carried the seignory and earldom to her husband, Lionel, Duke of Clarence, third son of Edward III., who dying, in 1368, left an only daughter, Philippa, who being married to Edmund Mortimer, Earl of March, he was created Earl of Ulster, in her right, in 1368. Anne, his heir-general, daughter to Roger, and sister and heir to Edmund, Earl of March and Ulster, being married to Richard, of Coninsburg, second son of Edmund of Langley, Duke of York, fifth son of Edward III., the earldom descended to their son, Richard Plantagenet, Duke of York (1425), and the title and seignory merged in the crown, by the accession of his son Edmund, Earl of March and Ulster, to the throne of England, by the name of King Edward the IV., in 1461. The seignory of Ulster thus lasted 280 years, or, counting from the grant to de Lacy, whence it flowed in uninterrupted succession, 256 years. During this long period, we find frequent evidence, in the patent and memoranda rolls, that the Earls maintained high judicial and administrative courts, with their corresponding officers. Thus we have the Savages, Bissets, Fitz Warins, Whites, Cheynes, Bellews, Prestons, and the Bishops of Connor and of Man, acting as seneschals, though no complete list of these officers can be made. We find the Court of Exchequer, with its Chancellor, Treasurer, Chief, and other Barons, Richard Russell being Chief Baron in 1385. It was not until 1297, that, at a Parliament, held in Dublin, it was enacted, or rather agreed, that the first Sheriff for the liberties of Ulster should be appointed, "as well as in the Crosses, to make executions in the Liberty of Ulster, when the Seneschal of the same Liberty should be found in default, and that the Sheriff of Dublin should not thereafter enter into Ulster." But it does not seem that the crown acted immediately on this order, as no Sheriff of Ulster appears until some time afterwards, when we find the Maundevells, Audleys, Russells, and Halywoods, all Ulster families, acting as Sheriffs.

The earliest mention of the "Barons of Ulster," is in that from King John, addressed to them, 6th year of his reign, stating that if they did not cause *their lord*, John de Courcy, to come to the King's service, as they were bound, and gave hostages to do, he, the King would seize on their hostages and estates. Lynch says, these Barons were of his kindred and friends, amongst whom he made sub-infeudations of that vast territory; but unfortunately, he neither gives the writ nor the names of those to whom addressed. We, however, learn from Dr. Butler (Notes to Grace's Annals, Irish Archaeological Society's Publications), that Robin, son of WILLIAM SALVAGE, was one of those hostages, and the title, "Lord Savadge," frequently occurs in Irish History; the last mentioned as bearing such a title being Patrick Savadge, Lord Savadge, of the little Ardes, stated, in the Ulster Inquisitions, as having died the last day of December, in the 2d year of King James I. RUSSELL, of Lecale, was also one of the Barons of Ulster, the head of the family residing at Bright, whilst another branch resided at Rathmullan Castle. We find George Baron Russel affixing his seal, with the Bishop of Down and Connor, the Prior and Archdeacon of Down, the Abbots of Bangor, Saul, Inch, and Grey Abbey, there also

having been attached thereto the municipal seals "of the County of the City of Down," the Towns of Ardglass, Kilchief, &c., to a supplication for aid addressed to Edward IV., about 1405, on behalf of themselves and "all the faithful and true liege-people of THIRLDOME of VLSTER, whiche some tyme was named the third moost Rialle (royal) Erldome in Christiante," bnt then daily destroyed and under tribute to the O'Neyll, O'Kane, Magennis, Macartan, and other Irish tribes, as well as the Scots of the Isles. At this time the seignory of Ulster was in the King's hands as De Lacy's heir—Janico Savage being his Seneschal. The original of this singular record is in the Chapter House, Westminster; but a copy, with notes by the Rev. Dr. Reeves, was printed in the transactions of the Royal Irish Academy. In the Irish State Papers, time of Henry VIII., in a paper on the state of Ireland, we find mentioned, among "the great English rebels of Wolster," "The Baron, Russell—and his Kynnesmen;" also, *Fitzjohn, Lord of Glynnnes*, in another place styled *Fitz John Byssede*, and *Fitzhowlyn Lord of Tuscard*, which was the original anglo-Norman name of the MacQuillans of the Routes of Antrim, the latter being the Irish form, when they became *ipsis hiberniores*, &c. Bisset, as before stated, is, in Sir John Davies' list, though, being called Lord of Glynnes, is evidence that he then held immediately under the King—such, according to Sir William Betham being invariably called *domini*, as were all lords paramount of palatinates. By an inquisition held at Ardwly (Ardquin) in the County of Down, 4th of July, 3 of James I., to enquire into those lands of which Queen Elizabeth had been seized in right of her crown, we find, *inter alia*, on the list of jurors, *John White, Lord of the Duffrin*, Christopher Russell, of Bright, and "*Robert Swoordes, alias Crooley, of Ballidonnell*," near Downpatrick. According to the tradition of the country, the Crollys were Barons of Swordes; and the head of the family, to the close of the last century, was invariably called Baron Crolly. Tradition also speaks of the Jordans as Barons Dunsforth; of the Mandevells, Logans, and Fitz-Waryns, being Barons in their own name, as Russell was in his. But, without resting on tradition, we have, on written evidence of the Barons of Ulster, as far as the present writer's researches reach, the Barons Savage, Russell, Bisset, White, and Crolly; and doubtless, several of the other great English families residing in the liberties of Ulster were similarly entitled; as we find, of the numerous peers and magnates summoned to the Parliament held at Kilkenny in 1309, before Richard, Earl of Ulster, and Sir John Wogan, Lord Justice, the following names belonging to this province:—Reginald Russell; Thomas, Philip, Peter, and John de Maundevill; Hugh, John, and Hubert Byset; Alan, William, and Thomas Fitz Waryn; Adam, and John, son of Alan de Logan; Richard le Savage, Milo de Swordes, Richard and Walter de Valle, &c. We hope this subject will be followed up and elucidated by some of our readers conversant with the records of Ireland, published or in manuscript, and that complete lists of the Barons, Seneschals, Sheriffs, &c., of Ulster, may yet appear in our pages.

J. W. H.